

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**MENDY R WEARS**

Claimant

**APPEAL NO: 13A-UI-11274-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**YELLOW AND CAPITOL CAB COMPANY**

Employer

**OC: 09/01/13**

**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a representative's October 1, 2013 determination (reference 02) that held her ineligible to receive benefits because she limited her availability to work. A hearing was scheduled on October 31, 2013. On October 30, 2013, the claimant contacted the Appeals Section and made a request to withdraw her appeal. Based on the claimant's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The claimant withdrew her appeal from a representative's October 1, 2013 determination (reference 02). The claimant's October 30, 2013 withdrawal request was recorded.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 26.8(1) provides:

- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The claimant's request to withdraw his appeal is approved.

**DECISION:**

The representative's October 1, 2013 determination (reference 02) is affirmed. The claimant's withdrawal request is approved. This means the claimant remains ineligible to receive benefits as of September 1, 2013. If the claimant's situation changes, she should reopen her claim and may at that time establish her availability for work.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css